

91st Illinois General Assembly Senate Transcript

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise? Our prayer today will be given by Reverend Ronald Simmons, Evangel Temple Church of God, Springfield, Illinois. Reverend Ronald Simmons.

THE REVEREND RONALD SIMMONS:

(Prayer by the Reverend Ronald Simmons)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journals of Wednesday, May 12th; Thursday, May 13th; Friday, May 14th; Monday, May 17th; Tuesday, May 18th; Wednesday, May 19th; and Thursday, May 20th, in the year 1999, be postponed, pending

arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval of the Journals, pending the arrival of the printed transcript. There being no objection, so ordered. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 933, with House Amendments 2 and 3.

Passed the House, as amended, May 20th, 1999.

1

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1240, offered by Senator Link.

(Secretary reads title of bill)

It's the 1st Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Yes, Madam President...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your point, sir.

SENATOR PETERSON:

I'd like to introduce to the Senate Chambers the Junior High Class from Daniel Wright, in Lincolnshire. I represent part of that district, as well as Senator Link, and we'd like to welcome them to the Senate.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Welcome to the Senate, and hope you enjoy your stay. ...requests permission to videotape. Is there any objection? Hearing none, permission's granted. Senator Philip, for what purpose do you rise, sir?

SENATOR PHILIP:

Purpose of an announcement.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

State your purpose.

SENATOR PHILIP:

I've had quite a few Members ask me what we anticipate for the

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

schedule for today and this weekend. It would be the intention to do Illinois FIRST. If riverboat would come over here, we would try to do that. The intention would be to get out of here as early afternoon as we could possibly, come back on Monday around 4 o'clock, finish up the budget and so forth, and probably do it on Monday afternoon and Tuesday. Hopefully, get out of here sometime on Tuesday. So I would suggest that you check out of your motels, if you haven't. We're waiting for paperwork from the House. As soon as we get it, we will try to run everything and get out of here in early afternoon, if possible.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Thank you. Resolutions.

SECRETARY HARRY:

Senate Resolution 152, offered by Senator Radogno.

And Senate Joint Resolution 39, by Senator Radogno.

They're both substantive.

And Senate Resolution 153, by Senator Tom Walsh.

It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Death resolution, Consent Calendar. Senate will remain at ease until the further call of the Chair.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Appropriations Committee - the Motion to Concur with House Amendments 1 and 2 to Senate Bill 608; to the Committee on

3

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Executive - House Joint Resolution 27, Conference Committee Report 1 to Senate Bill 1018, Conference Committee Report 1 to Senate Bill 1028, and Conference Committee Report 1 to Senate Bill 1066; to the Committee on Judiciary - the Motion to Concur with House Amendments 1 and 3 to Senate Bill 574; and Be Approved for Consideration - the Motion to Concur with House Amendments 1 and 3 to Senate Bill 615; re-referred from the Executive Committee to the Rules Committee - House Joint Resolution 27; and Be Approved for Consideration - House Joint Resolution 27.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm, what purpose do you rise?

SENATOR KLEMM:

Thank you, Mr. President. The Senate Executive Committee will be meeting in Room 212 at 3:45. 212, 3:45, Senate Executive Committee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For all the Members of the Senate Executive Committee within the sound of this voice: there's a committee meeting at 3:45, in Room 212, Executive Committee. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 26.

Adopted by the House, May 21st, 1999.

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 574, with House Amendments 1 and 3.

We have a like Message on Senate Bill 876, with House Amendments 1, 3 and 4.

Both passed the House, as amended, May 21st, 1999.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate will stand at ease until approximately 4 o'clock p.m.
The Senate will stand at ease till 4 p.m.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports. Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measure has been assigned: Be Approved for Consideration - House Joint Resolution 26.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka, what purpose do you rise?

SENATOR PETKA:

Thank you very much, Mr. President. To announce a meeting of the Judiciary Committee at 4:20 in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For all Members within earshot of my voice: a Judiciary Committee meeting at 4:20 in Room 400.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

5

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Senator Klemm, Chair of the Committee on Executive, reports Senate Bill 1018 - the First Conference Committee Report Be Adopted; Senate Bill 1028 - the First Conference Committee Report Be Adopted; and Senate Bill 1066 - the First Conference Committee Report Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bill 574 - the Motion to Concur with House Amendments 1 and 3 Be Adopted.

And Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Bill 608 - the Motion to Concur with House Amendments 1 and 2 Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages.

SECRETARY HARRY:

Message from the President, dated May 21st, 1999.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for final action on the

following category of bills, with specific bills enumerated under this category to June 1, 1999: Communications - specifically, House Bill 2771; and State Finance - specifically, House Bills 373, 1534, 2519 and 2794.

Signed by President Philip, May 21st, 1999.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1241, offered by Senator Dudycz.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 19.

Adopted by the House, May 21st, 1999.

We have a like Message on House Joint Resolution 20 and also House Joint Resolution 22.

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 452, with Senate Amendments 1, 2 and 3.

Nonconcurrent in by the House, May 21st, 1999.

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 827, with House Amendments 1, 2 and 3.

Passed the House, as amended, May 21st, 1999.

PRESIDING OFFICER: (SENATOR DUDYCZ)

...turn to page 6 of your regular Calendar, on the Order of House Bills 3rd Reading. We will be going to House Bill 2771. On the Order of House Bills 3rd Reading is House Bill 2771. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2771.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2771 is not amended. It's exactly in the form it left the House. What it does is extends the deadline, giving the ICC the authority to continue to regulate operator service for both pay phones and for operator services operated in hotels and motels. The bill was originally held to this time, thinking that it might be necessary for other legislative work. It's now been released to -- to move on to the Governor. It left committee unanimously. It's been uncontroversial, and it kind of completes my legislative package for this Session. I'd appreciate a lot of enthusiastic support. And the ICC is in the gallery, waiting patiently for this bill to pass. I'd appreciate favorable consideration by my colleagues and be happy to answer questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there discussion? If not, the question is, shall House Bill 2771 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 2771, having received the required constitutional

majority, is declared passed. I would ask at this time, all unnecessary staff to please leave the Floor. Supplemental Calendar No. 1 has been distributed and is on each Member's desk. If you'd turn your attention to the top of page 2 of Supplemental Calendar No. 1, we will be going to Order of Conference Committee Reports. On the top of page 2 of Supplemental Calendar No. 1 is the Order of Conference Committee Reports. Mr. Secretary, do you have a file on the conference committee report on Senate Bill 1028?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on

8

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Senate Bill 1028.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair recognizes Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Illinois FIRST is a public works project that will put thousands of people to work, repair thousands of miles of road, relieve traffic...

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon, Senator Philip. Will the Members please be in their seats, and will the unnecessary staff please leave the Floor? Senator Philip.

SENATOR PHILIP:

Will relieve traffic congestion, improve our mass transit service, expand our local schools and provide school construction. This conference committee report on Senate Bill 1028 is part of this program. It primarily funds a ten-billion-dollar, five-to-seven-year road construction program and mass transit improvements. To pay for it, we're going to increase registration fees for cars and pickups from forty-eight dollars to seventy-eight dollars. This is a compromise from the original proposal and lessens the burden on individuals. And also, senior citizens in the Circuit Breaker Program won't have to pay any more. They will stay at twenty-four dollars. Our seventy-eight-dollar fee will still be well below the national average of one hundred and eighty dollars. Our regional average is one sixty-three. We'll also increase motor vehicle title fees from thirteen to sixty-five dollars. Also increase truck registration fees by twenty-five percent. Studies have shown that trucks cause about ninety-three percent of the damage to our roads. Quite frankly, they ought to pay a little more to keep them repaired. Reduces the use of Road funds for bureaucrats;

SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

instead puts money into the Road Program. Where does the money -- what we -- where -- what do we get for our money? More than triple the State's investment to relieve traffic congestion and build new roads. Allows IDOT to repair and resurface over a thousand miles of road every year. Also will reduce the backlog, replaces a hundred -- one thousand five hundred bridges. Allows the RTA a national -- an additional bonding. Improves projects. Refurbishes trains. Rebuilding overpasses, new buses and expanded service. Provides replating for State license plates, taking -- get ridding of those old, tired, worn-out plates that have been in circulation for so long. Increases the fund -- funds for Grade Crossing Protection Fund to improve rail safety. Shifts the motor fuel tax distribution formula to allow local governments a greater share of local -- for local road improvement. Allows Illinois to fully capture federal dollars for high-priority roads and bridge projects. And finally, requires the Illinois Department of Transportation to start a pilot project that requires contractors to guarantee their work with performance-based warranties. We ought to be getting a better-quality, longer-lasting product and just -- and -- and just focus on the number of miles we fix and how long they last -- they last. I'll be very happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Members of the Senate, you know, we

need to repair our transportation system, but we don't need to increase the taxes and size of government contained in this bill. It hurts and frustrates many of us to see our Governor and friend moving away from his promise to Illinois citizens. Elected with fifty-two percent of the vote, every constituency that he gathered to win was important. Here's what he said all over the State and

10

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

in writing: "I think people in Illinois already are paying enough taxes. Underlying my entire campaign is this pledge to taxpayers: I will not raise taxes. Raising taxes at any time is difficult; raising taxes in times of prosperity is unconscionable." When proponents suggest that six hundred million dollars in increased government revenue is not a tax increase, you know, polite, regular folks back home just roll their eyes. Those who find it a little less bearable to contain their anger just laugh, and they walk away from the whole political process. And can you blame 'em? In a year when State Government has fifteen hundred millions of dollars more than last year, and last year we have one billion dollars more than the previous year, Illinois citizens and taxpayers have every right to want us to live within our means without a tax increase, just as they were promised. In Fiscal Year

1999, our State Government will grow 7.6 percent, while the rate of inflation will be approximately two. In fact, surrounding states are refunding and reducing taxes. What's the matter with how we're operating State Government in Illinois? Of course, we need to do the repairs of existing roads and to build new ones. To the degree we can, we should help local school districts with building programs. We should even invest in our commuter rail and transportation system so that the congestion and burden on our roads is relieved. However, we should accomplish these goals within our current means. They say we need six hundred million dollars. Why don't we start by keeping the implicit commitment to every taxpayer who sticks a gas hose into his car tank, thinking that the nineteen-cents-per-gallon gas tax is going to the Road Fund? Instead, we divert five hundred and twenty-seven million dollars of gas taxes away from the Road Fund each year to other uses. You know, it kind of reminds some of us of another broken commitment that the Lottery is supposed to go to education. When people ask, "Well, how would you replace the five hundred and

11

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

twenty-seven million dollars," I suggest that with a forty-billion-dollar budget, twenty billion dollars under our

direct control in General Revenue funds, improving efficiency by three percent - that's just three cents on the dollar - we would generate six hundred million dollars. Twenty billion dollars times three percent: six hundred million dollars. Can anyone seriously argue that Illinois State Government cannot be run just three percent more efficiently? You know, perhaps we could start by saying no to the fifteen to twenty percent requested increases in the Constitutional Officers' budgets. Maybe we could find out why surrounding states spend approximately only seven and a half percent of their departments of transportation funds on administration, but Illinois spends more than ten percent. And on a budget exceeding one billion dollars, that's a lot of money. Even if none of these measures were acceptable, the Governor could say, "Fine, if we can't agree on surgical reductions, then everyone needs to reduce their spending by three percent across the board." Finally, many of the people I serve are asking the very fair question: Hey, what's the hurry? When any of us spends twelve thousand dollars, we take more than a month to decide. This decision is one million times larger. If we slowed down this process, we could require answers to some essential questions like: Why are we diverting the five hundred and twenty-seven million dollars of gas taxes, that's supposed to be spent on roads, to other uses? Is every one of these projects necessary? Have we forgotten to include others that are more important? What assurances are we being given that we're getting our fair money's worth from road builders? How do we avoid future scandals like the recent Palumbo criminal case? And if it's true that there's a billion-dollar -- allocated to projects where there will be

local matching funds, doesn't that mean that there's a billion dollars in increased property taxes in this bill that we're going

12

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

to vote on tonight? Of course it does. And the list goes on. The answers are important to get before we spend the money. And so I ask: What's the hurry? More than twelve years ago, Governor Thompson, with the approval of this -- of the General Assembly, obligated a generation of State taxpayers to 2.3 billion dollars in Build Illinois Program. You know, we still owe 1.6 billion dollars of that liability. It seems to me that we should resolve this debt before we obligate the next generation to twelve billion dollars, more than five times this original mega-project spending. We need to vote to keep our campaign promises to slow down the spending bonanza, to increase efficiency in government and to live within our means without a tax increase. There will come a time, maybe not tomorrow, maybe not a year from now, but maybe six to eight years from now, when we're struggling to cut education and social service funding or trying to pay off our fifty-year pension debt, that we'll be embarrassed and maybe even ashamed of how we rushed to spend twelve billion dollars without really knowing what the projects are or the quality assurances contained in this bill.

Appreciate a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

WBBM-Channnel 2 requests permission to videotape the proceedings. Hearing no objection, leave is granted. Further discussion? Senator Petka.

SENATOR PETKA:

Thank you, Mr. Chairman. I move the previous question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

There are four additional speakers, Senator Petka. Further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of Senator Philip's conference committee report and in support of Governor Ryan's Illinois FIRST plan.

13

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

This type of plan is, and vision is, sorely overdue in our State, and I commend the Governor and Secretary of Transportation, Kirk Brown, Budget Director Schnorf, who's over here, and the Governor's staff for the hard work that they have put in in this proposal. You know, we all like to kid and razz the Second Floor and the Governor's staff, but as a former staff member to the last

two Governors, let me tell you, it's no -- it's no fun putting together a plan this big and of this magnitude, and I think they've done a magnificent job. Frankly, I'm a little surprised at the consternation and hand-wringing of some Members of the Legislature over this proposal. This, to me, is not a tough vote. Yesterday, I spent several hours and I called back thirty or forty constituents who called in opposition to this plan. And when I explained the plan to 'em, that we were only adjusting license plate fees for the first time in nearly fifteen years at nearly a dollar-for-dollar level for inflationary increases, that we'll still be a third of what all the state's around us pay for license plates, or nationally; as Senator Philip said, we froze senior citizen Circuit Breaker license plate fees at where they've been for nearly two decades; that the fees for trucks were increased and that we lowered their own personal license plate fees over the Governor's plan; and that the liquor tax, which is coming up in a separate bill, is nothing more, really, than a penny a beer and that hadn't been increased at all in thirty to forty years, they all said, "You know, if that's all it is, what's the big deal?" And I'm asking you tonight: What's the big deal? It's not that tough of a vote. Every one of my callers acknowledged that Illinois roads are in terrible, terrible condition. Part of our job as legislators, I believe, is to educate the public, but, importantly, we listened to our voters too. We've massaged this plan. We've brought down significantly the individual license plate fees and we increased the truckers' portion. We froze, as I

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

said, the senior citizens Circuit Breaker fee, and now it's the time for us to lead Illinois, in concert with Governor Ryan. And when I tell the constituents that there is a school construction portion of this plan, which I believe, in theory, will lead to lower property taxes because the State will finance some of the construction that my local property taxpayers used to, they think that's a good suburban Republican idea as well, and they like the plan even more. I also told my neighbors that Governor Ryan did not hand the Department of Transportation a blank check with respect to the transportation part of this plan. He gives them four billion dollars. Yes, a lot of money, but the needs, according to IDOT, are thirty billion dollars. So there's not a blank check for IDOT. And, Mr. President, one thing that I think we haven't focused on, we really haven't discussed, is that every Illinoisan, in a recent study, pays a hundred and forty-four dollars a year in extra automobile repairs because thirty percent of our roads are in poor or terrible condition. Illinois' -- Illinoisans pay twenty-nine percent more for car repairs, a hundred and forty-four bucks a year, because of our neglected road. That's a lot more than our inflationary license plate fee increase that's contained in this proposal of Senator Philip's and the Governor's. Ironically, it will cost our constituents more if this bill isn't passed, annually. And for my family-value,

conservative friends in the Legislature, let's talk about quality-of-life issues. Suburbanites that I represent spend over two days a year trapped in their cars, moving nowhere. Forty-six hours, standing still. I think it's worth a dime a day to spend more time with kids, reading to them, playing catch with them, spending quality time commuting -- communicating with our youngsters. There's no general tax increases here. There's no gas tax increase, there's no sales tax increase, and there's no income tax increase here. Only user fees for roads in this

15

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

proposal. This is not a tough vote. A tough vote was in 1969 when the Legislature imposed the first income tax increase, or in 1983, in the midst of a recession when Governor Thompson had the Legislature approve an income tax increase just to pay our bills, or in 1991, when Governor Edgar led this Legislature to have an extra half a percent surcharge on the income tax made permanently for schools. Those are tough votes. This is not a tough vote. Now, some of you have told me, "Geez, I lose sleep over this type of proposal." Well, let me tell you, the only sleep that I lose, voting for this thing today, is the thought that some commuter train, some hundred tons of steel in the morning, coming in from

Naperville, with a thousand people on board, might collapse on one of the seven hundred and eighty-five bridges along our Metra tracks that are over one hundred years old - a hundred years old. And unbelievably, seventy-five percent of the elevated train tracks in Chicago are over eighty years old. There's nine thousand miles of road that we control in Illinois, our roads and U.S. roads. A third of them, as I said, are in poor condition. Three hundred miles are dangerously narrow and require widening, and this bill helps improve transportation safety. If your kids or your wife or your grandmother are traveling in Illinois, they will be safer on our roads. And for we suburbanites who are tired of reading about these terrible Metra train crashes with cars, there's money in here for rail safety. That's a quality-of-life issue for a dime a day, too. Four thousand roads need resurfacing in the next five years, and, as Senator Philip said, over a thousand bridges will be repaired by this plan - not railroad bridges, but highway bridges. For a State that we all thump our chest wherever we go and say that we're the transportation hub of the nation, let me tell you, that's a very, very bleak assessment, unless we do something here. And in 1996, the U.S. Government Accounting Office said that eighty-nine percent of Illinois

schools, of our forty-two hundred buildings, were in dire need - dire need - of repairs, at a cost of over eight billion dollars, too. The Chicago Tribune has editorialized, many times, on this plan, but I think they summed it up real well when they said that the reality is that Illinois, fated by geography to be the nation's transportation hub, has neglected the road and rail networks necessary to fulfill our role as the nation's transportation leaders. The State hasn't floated a major bond program in over ten years, and we haven't laid a new stretch of highway in a decade, as well. So that's the hurry. Meanwhile, our latticework of bridges and viaducts and grade crossings and traffic signals, they're wearing out, even as we put more and more cars on them at record levels, and the resulting congestion is costing Illinois businesses, especially those in Chicago, billions of dollars a year. I just think that Governor Ryan's plan goes a long way to unclogging the bottleneck that's out there, and it would allow us to recapture over three billion dollars of federal funds that would go to Indiana, Wisconsin, Nebraska or someplace else. Now, I'm pro business, and the Illinois business groups are all for this. The Chamber of Commerce said that they are enthusiastically for this, as is the East-West Corporate Corridor Association out in my neck of the woods. And there's ten-thousand-member transportation group of employers that are for this. Like a businessperson, I think we've done some wonderful things here in the way we've massaged it. We have pay-as-you-go projects, and we have tapped some of the budget surplus to hold individual license plate fees down. But most of the surplus money,

I told my constituents that I talked to over the last few years, is going to education where it rightfully ought to go, in the general budget of the State of Illinois. Finally, since 1985 to 1995, we've increased vehicle traffic in Illinois thirty-two percent, but we've only increased transportation spending by five

17

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

percent. Even the Taxpayers' Federation of Illinois, the State's one credible tax group, is in support of this plan. Illinois is projected to have another thirty-percent increase in traffic in the next fifteen to twenty years, and I think we better plan now - now - for the future, instead of sucking up the construction dust from our neighbor states as they suck our jobs away. And in conclusion, Mr. President, The Chicago Sun-Times reporter just recently said there's more gridlock ahead, where he laments the fact that Chicago is the third most transportation-congested city in America. So I think it's time to get out, keeping Illinois a great industrial State that we are, and vote Yes and put Illinois first.

PRESIDING OFFICER: (SENATOR DUDYCZ)

WICS-TV, WMAQ-TV, WFLD-Fox, WGN-TV and WLS-TV, all seek permission to videotape the proceeding. Hearing no objection,

leave is granted. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
I'll be brief. A question, please, of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator Philip, part of this program that has truly not been discussed too much, and I just want to make sure it's still in the bill 'cause I think it's very important to all those people who are in the city streets and -- and are worried about how they're going to repair their potholes, et cetera, is the increase in the municipal or local government distributive tax still in this bill, which, as I understand it, will raise approximately a hundred million dollars so that cities can spend on the potholes and repair their roads?

PRESIDING OFFICER: (SENATOR DUDYCZ)

18

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Senator Philip.

SENATOR PHILIP:

Senator, yes, it's four hundred and thirty-five million.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

Well, thank you. I just wanted to make sure that it was still in the bill, number one. And, you know, I just -- that's all I was going to ask. But Senator Lauzen raised some interesting points, and I might as well take just a minute now, beings some people did. I couldn't agree with you more, Senator Lauzen. There are too many times that we get a proposal in front of us, and it's Yes or No. They don't put a "Maybe" button on these little buttons here, and that's sort of -- sort of bad. But Governor -- Governor Ryan has said, very clearly, we have one shot. This is one shot. And I think, as someone said, this basically is a once-in-a-lifetime opportunity for us to repair the infrastructure of this -- of this State. And as a former mayor, I've always said that -- you know, that infrastructure is out of sight normally, so therefore it's out of mind. And I think it's time that we put our minds to -- and our vote to voting for this proposal, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I echo the comments made by the prior three speakers, but I want to keep -- tell you something that -- when I first heard about the program, I said I thought it was a very commendable program, but I felt the license fees were a little too high. That's been restructured, and we are paying fewer -- less money for the license fees in Illinois than in the surrounding states. I might

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

tell you, the schools in my area need a lot of repairs, a lot of help, and this program will give them some help. And I've been supported by all the municipalities in my district, and I might tell you, at first there were about two hundred and forty against this program, but since then, I have another two hundred and fifty in favor of the program. And I think we can't wait too long 'cause prices go up, and the sooner we take care of what has to be done, the better, and -- because we cannot have our kids be in unsafe schools. And I -- the gridlock in my county, particularly, needs a lot of help. So I certainly urge the support of this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. I just wanted to rise and commend Leader Jones and President Philip and the Governor for the work that they've done on this legislation, and while I intend to vote for it, I did want to point out to the Body that the money that's going to Chicago Transit Authority should really be -- we really need to take a close look at what they will receive out of this package. The Chicago Transit Authority is arrogant, pompous. They

-- they -- there's an old saying about figures don't lie, but liars figure, and it certainly applies at the Chicago Transit Authority. So I'm just saying to President Philip and Chairman Rauschenberger, and I've already spoken with my Leader, who's done a great job on this, that let's at least take a good look at what the Chicago Transit Authority is getting and make them respect the legislators in this Body. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jones.

SENATOR E. JONES:

Thank you, Mr. President and Ladies and Gentlemen. I rise in strong support of the First Conference Committee Report on Senate

20

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Bill 1028, and I concur with the previous speakers on all the things they said good about this program. But I want to really commend the Governor for having the courage, the courage to put forth a program for all Illinoisans. For the past eight years, nothing has happened. In mass transit, in the metropolitan Chicago area with the rail tracks crumbling, buses out of service, those commuters who -- who need those services to go to and from work, dollars will be there to solve that problem. We will be in

position to access nearly three billion dollars over the next five years to deal with the infrastructure, to deal with mass transportation. The issue came up and we debated many years -- I mean, many days now in the Governor's Office as it relate to the license plate fee. We were fortunate and we were able to get that reduced, not at a hundred percent, but not at the -- at the large amount that was originally proposed in the package. We protected the senior citizens, those on the Circuit Breaker, so that these fee increases will not hit them. I understand, Senator Hendon, what you said, and they should not be arrogant. They should be responsive to the Members of the General Assembly. When you vote on issues like that, if they don't -- if they don't return your call, I want to know why, and I addressed those issues to him, for any Member, not only on -- in your area, but throughout the City of Chicago or metropolitan area. When we look at mass transit in the City of Chicago, it's -- it's not just Chicago is receiving those benefits. All the suburbs where those trains feed into, you will benefit equally as well from the good mass transportation of the CTA -- that CTA gives. So what we have here is a program, a program put together to take care of the roads, the bridges, a program to take care of the grade crossings, as far as the railroads are concerned. There is no such thing as a "easy" vote. We are elected to lead down here in Springfield, and if you really want to lead, you will get behind Senate Bill 1028. That's what

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

leadership is all about. It's easy to stand back and say we're not going to increase any fees, we're not going to pay any taxes. And we haven't done it for the past eight years, and that's why we are in the fix we are in today. So I join with the Governor. I join with Pate Philip and -- can you see the two of us getting together so long? But we came together and compromised on certain issues, kept the twelve billion dollars that the Governor wanted in this program, and it deserves all of our support for all Illinoisans.

PRESIDING OFFICER: (SENATOR DUDYCZ)

WCIA-TV has requested permission to record the proceedings. Hearing no objection, leave is granted. Senator Philip, to close.
SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Illinois FIRST is a well-planned, well-thought-out program. It's good for downstate. It's good for the City of Chicago. It's good for the suburbs. Would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 1028. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 17

Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to Senate Bill 1028, and the bill, having received the required constitutional majority, is declared passed. Mr. Secretary, do you have a file on conference committee report to Senate Bill 1066?

SECRETARY HARRY:

Yes, Mr. President. First Conference Committee Report on Senate Bill 1066.

22

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair recognizes Senator Maitland.

SENATOR MAITLAND:

Thank you very much -- thank you very much, Mr. President, Members of the Senate. The conference committee report with respect to Senate Bill 1066 does a number of things. First of all, it creates the Fund for Illinois' Future to be used for a variety of categories of public infrastructure projects. It increases the taxes on beer, wine and liquor to generate an additional eighty million dollars annually to do a number of things in the State. And, again, this conference committee report raises the tax on beer, wine and liquor. It creates a pay-as-you-go grant program

for schools, designated as a school maintenance project grant program to be funded from the existing School Infrastructure Fund and establishes a transfer of five million dollars per month from the General Revenue Fund. The overall school maintenance program is intended to total about a hundred and twenty-five million dollars over five years of the program. This part of the program addresses those programs, those concerns, that we have in our schools that aren't covered under the current school infrastructure plan. The bill also authorizes school construction grants to be utilized for debt service or make lease payments in school districts with a population over five hundred thousand dollars {sic}. This, of course, is the City of Chicago. This will allow the bonds or notes in Chicago to be repaid with a regular grant. Ladies and Gentlemen, this is a visionary program. It is a program that addresses those concerns, number one, the bigger issue, nearly doubling the school construction grants, which we know is a big need in this State and, again, addresses the pay-as-you-go plan where there's a match, fifty-fifty match, between the local school district and the State. This is a visionary program. Mr. President, I'd be happy to respond to any

23

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

questions any Member might have.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I'm pleased to rise in support of Senate Bill 1066. Before I address the issue of the school construction that's part of this bill, I just wanted the record to be clarified. One of the previous speakers on the previous bill spoke about the Lottery money not going to education, and I want the record to be very clear. Three years ago, this Body led the charge to correct a previous error in the legislation, and for the past three years, every penny of profit from the Illinois State Lottery has, in fact, gone to education. Now, going back to Senate Bill 1066, a couple of years ago, the Senate Democratic Caucus sent a questionnaire out to every school district in the State to find out what their infrastructure, what their maintenance needs were for their schools. We got a very good response. You know, a lot of times you send out questionnaires, if you get a five-percent response, ten-percent response, you're pretty happy with it. We got over a fifty-percent response. And the numbers were staggering because we found that because of the demands of day-to-day operation of our schools, the costs of infrastructure, the costs of maintenance, the cost of upgrading our physical facilities were being neglected. And it was -- it was outrageous to see, and this was in every part of the State - downstate, suburban and in Chicago. This bill addresses part, a good part, of those problems. We want our children to be taught in line with the new millennium, to be computer-literate. In order to do that alone, we have to

upgrade the electrical supply systems of every school in the State. That's addressed in here. This is the kind of work that we have to commit ourselves to, not for us, but for our children and

24

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

for our grandchildren. I'm proud to stand up in support of Senate Bill 1066.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Yes. Does this increase apply to all -- or, any alcoholic beverages which have already been delivered to a retail licensee by the distributor prior to the July 1st date?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you. Mr. President, Members of the Senate, Senator Maitland said a word that I think is apropos here, and I just want to move it forward when we go home to our districts. Courage is one thing. There's a lot of people in this room I see with a lot of courage. Our current Leaders are two of 'em. But with -- also with courage, what you need is vision. And this is definitely a visionary plan. It's so visionary that he had school districts throughout the State coming in in support, from Chicago to all the way downstate, east and west, in support of this bill; such a vision that he was able to make this fly out of committees and with not much fanfare, with one of the fees that we're -- we're increasing here actually going out of this Body with more votes than anybody thought we would ever get. So he was able to

25

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

make us share in that vision. Our job, when we leave this Chamber, is to make sure that when we go back to our districts over the summer, that we can make our constituency see what's in this bill and let them understand and share in the vision of Governor Ryan. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. We are, as Senators in this State, elected to make the tough decisions, and sometimes some of the comments, some of the letters, some of the media reports are difficult for us to swallow, and we understand that. We have an obligation, once we make the decision to support a visionary program like this, to go back to our districts, our respective districts, and explain to the constituents, those people who elect us, why it was necessary to do what we do. I can go back to my district and sell Illinois FIRST and I can go back and sell the component of this program that I'm sponsoring here tonight. Ladies and Gentlemen, I ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 1066. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 17 Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to Senate Bill 1066, and the bill, having received the required constitutional majority, is declared passed. Conference Committee Report -- Mr. Secretary, do you have a file on conference committee report on Senate Bill 1018?

SECRETARY HARRY:

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Yes, Mr. President. First Conference Committee Report on Senate Bill 1018.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair recognizes Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. The First Conference Committee Report on Senate Bill 1018 deals with Brownfields Redevelopment Loan Programs, Brownfields Redevelopment funds, new EPA power, Water Revolving funds and the Hazardous Waste funds. It's rather technical in nature, but if anyone has any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there discussion?? Senator Welch. Patrick Welch.

SENATOR WELCH:

Thank you, Mr. President. Let me just say that I stand in strong support of this program. Illinois is finally getting around to cleaning up its act and cleaning up its land. Every city in the State of Illinois has some buildings that were industrially used and have left contamination behind. In many areas, we still have the buildings but no jobs. This plan of the Governor will help make sure that that area is cleaned up, those

buildings renovated or removed, the land put back into useful purposes, and, for once, we were going to stop and will stop the continuing urban sprawl that we see throughout the State of Illinois. The continued taking of farmland, natural areas, to put in industrial parks or industrial places, instead of reusing existing land in the inner cities, small and large, is the purpose of this bill. So I think this is a great idea. I'd like to see more money in it, in fact, and I stand in strong support of it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Trotter.

SENATOR TROTTER:

27

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Thank you very much, Mr. President, Members of the -- the Senate. I, too, rise in strong support of this legislation. In this bill, this conference committee, we are appropriating sixty million dollars in funds from the Build Illinois program. This will give us an opportunity to include and to make happen those plans that we talk about so often. We'll have short-term and long-term goals in dealing with the treatment and the recycling of sewage, we'll be cleaning up the industrial areas from those times when we were involved in -- in heavy industrial waste and leaving

a lot of waste in our community. This plan ensures that not only do we have a safe environment, but it also ensures that we're going to enhance the quality of life for all the citizens here in the State of Illinois, and I, too, wish that we would vote -- all vote Yes for this important piece of legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator Weaver, to close.

SENATOR WEAVER:

Thank you, Mr. President. Well, I would appreciate a favorable roll call on the First Conference Committee Report on Senate Bill 1018.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 1018. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does adopt Conference Committee Report No. 1 to Senate Bill 1018, and the bill, having received the required constitutional majority, is declared passed. In the middle of page 2 of Supplemental Senate Calendar No. 1, in the Order of Concurrence, Secretary's Desk, on Senate Bills. Mr.

SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Secretary, on Senate Bill 574, read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 574.

The motion, by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I move that we concur in House Amendments 1 and 3 to Senate Bill 574. In this form, this legislation is going to create the Capital Crimes Litigation Act. It's a result of months of work between both parties, between House and Senate. I want to commend our State Treasurer, our Attorney General, the bar associations, the public defenders, the appellate prosecutors and many others, for their hard work on this agreement. This is designed to address the issue of resources available at the trial court level for both defense and prosecutors so that we can ensure equal justice under the law in capital cases. It's meant to ensure that whether you're in Chicago or you're downstate, that if you have a capital case, there will be adequate resources to provide for fair representation and for adequate resources for our prosecutors. I'd be happy to answer any questions; otherwise, I would ask for your favorable vote in a concurrence on House Amendments 1 and 3 to Senate Bill 574.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Petka.

SENATOR PETKA:

Thank you very much. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Petka.

SENATOR PETKA:

29

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Senator Hawkinson, is there any provision in here that deals with evidentiary matters?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

No, Senator, there is not. In terms of evidentiary matters or in terms of qualifications of attorneys or in -- in terms of what time period a prosecutor must -- must announce her or his decision to seek the death penalty, it was the feeling of the drafters that those matters are -- are better left to the Supreme Court, the recommendations of the judges and Supreme Court rule.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Then I'd like to address the bill. I do believe that Members of this General Assembly can be proud of something that we put in place a couple of years ago dealing -- dealing with permitting standing of certain people who have been accused of serious crimes and who, in fact, were convicted when this General Assembly passed a bill providing for a resubmission of DNA evidence. As result of the actions of this General Assembly, two individuals who have been wrongfully convicted have been freed, and, in my opinion, but for the fact that this General Assembly chose to gave them standing -- give those individuals standing, they may still have been in prison. Additionally, and this -- these comments are, perhaps, directed to the Supreme Court, unfortunately, our capital cases that -- where there have been reversals have generally come out of the County of Cook, and it -- and they generally are in two subject areas; that is, dealing with the question of identification and also the question of the taking of statements from the defendant. And it just seems to me that there should be a -- a growing direction from the courts to permit, in -- in very

30

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

limited instances, identification line-ups in court, in connection with capital cases and a very, very careful scrutiny of

statements that are taken from individuals in capital cases when they are in custody. I do believe that every person is entitled to a fair trial, and after they have received that fair trial and a jury of their peers has been convinced beyond all reasonable doubt, then whatever happens, happens. But we have had a number of instances over the -- over the last several years, and I do believe those two problem areas should be addressed and can be addressed by judicious use of Supreme Court rule. But I certainly stand in support of this legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. I stand in strong support of this bill. I mainly rise to commend Senator Hawkinson for the hard work that he's done on this issue. I think we all recognize that there have been some disturbing trends with respect to the application of the death penalty, and I think a lot of that has to do with an inadequate amount of resources at the court level, in these cases. And I think that although this bill is not going to solve all the problems that we confront, and if I had my druthers, I might have crafted some other provisions. I do think that this is a step in the right direction. Again, I thank Senator Hawkinson for showing leadership on this issue, and I would urge an affirmative vote on this side of the aisle.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Rauschenberger.

31

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

SENATOR RAUSCHENBERGER:

Senator Hawkinson, is there an estimated fiscal cost or can -- is there something that we need to anticipate as we participate in this reform?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Yes, Senator. The annualized estimate, and that's all it can really be, based on the past practice of capital cases throughout the State, is an estimated annual cost of twenty million dollars with an impact on this year's budget with a January 1 effective date, of ten million dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, I appreciate the Senator's hard work, and I think it -- it is an important piece of reform, but I would just remind the Body, as we wind up, perhaps -- well, obviously, the largest

budget in State's history, that we need to be careful of our resources and understand that there are times when we need to make sure we have the resources for these kind of reforms. So it's going to be a difficult budget year, but I think this is something well worth including.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. Just very briefly, I want to also congratulate the staff that did so much hard work on this. The -- the thing that I learned, that I thought was very interesting and that should be pointed out, is that this money is going to be available not just to the defense so they can do DNA tests to see whether or not their -- their

32

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

accused are -- are guilty, but it also is going to be available to the State. And I've learned that in -- in some downstate counties, although the State's attorneys probably wouldn't want to admit this, there's been cases where they decided not to seek the death penalty because they were going to bankrupt the county. So it's -- this money will be available to the State as well, and I

think for that reason, it's -- it's a -- it's a well-rounded bill. Obviously, if this Fund can be used to provide evidence to exonerate somebody who we were going to sanction to be sentenced to death when they didn't do it, that's something which is -- probably is as important of thing as we can do in the General Assembly, and that's what this bill may end up doing. So for that reason, obviously, I -- I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Hawkinson, to close.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill is about seeking truth. It's about equal justice under the law. It's about making sure that adequate resources are available at the trial court level not only to the defense, but also to the prosecution. I would urge your affirmative vote in concurring in House Amendments 1 and 3 to Senate Bill 574.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 574. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and 3 to Senate Bill 574, and the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 608. Mr. Secretary,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 608.

The motion, by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 608, as amended by the House, now includes the Governor's introduced level of the budget for the Prisoner Review Board. The FY99 appropriated level was one million two hundred and one thousand two hundred dollars. As introduced it was one million two hundred and ninety-two thousand nine hundred dollars. In this final version, it is, again, one million two hundred and ninety-two thousand nine hundred dollars. I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Smith. Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 608. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have

all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 608, and the bill, having received the required constitutional majority, is declared passed. On the Order of Concurrence is Senate Bill 615. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 3 to Senate Bill 615.

34

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

The motion, by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger. Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 615, as amended, now includes the budget for the Illinois Sports Facility Authority, our bright guys up in Chicago that run Comiskey Park for the White Sox. The budget, as introduced, was eighteen million dollars. At the Senate level, it was eighteen million dollars. In the final version, it's eighteen million dollars. I would appreciate favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 3 to Senate Bill 615. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and 3 to Senate Bill 615, and the bill, having received the required constitutional majority, is declared passed. Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

For the purposes of an announcement. I would just like to inform the Members of the Appropriation Committee that upon conclusion of the two resolutions, if we would all go immediately down to Room 212. We have to have a discussion on a conference committee report, which will move a few more budgets so we can come back to the Floor immediately and move them tonight. The budget should be noncontroversial. They're at introduced levels -- tonight.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Smith, what purpose do you rise? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand on a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your point.

SENATOR SMITH:

Thank you. Because of the irregularities that we had today and we did not meet properly, as we usually do, we had two visitors here in our city today, and that was Mr. Gene Lee and his son, Darron Lee. They are from Chinatown. They are Chinese Consolidated Benevolence Association from Chinatown. His son was one of our students who graduated from the university in Urbana, a four-year scholarship he did, and he did magnificent job the four years that he was there. They came down this morning to bring flowers and to express their thanks for the kindnesses of the Legislature. They were not able to be recognized because of we had no Session. And so I wanted to be sure to have their names listed in the record for today. The name is Gene Lee, who is the father, and the son is Darron Lee. And I want to thank you, if you'll permit this to include that in the record so that they'll get credit to know that they were in Springfield today.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Smith. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Mr. President, can you kind of give us some idea of what we're going to be doing now? There's some rumor that we're going to be doing some other work besides the appropriations process, perhaps waiting for the House for something. We've got Members who want to check out of their hotels. They've got a family. Bob Molaro's

36

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

got dinner ready. I mean, are we doing anything other than...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Demuzio, prepare to stay a little bit. We will be doing some work this evening. Shortly we will be going to the Order of Secretary's Desk, Resolutions, then the Appropriations Committee will be meeting in Room 212. Immediately afterwards, we will return to the Senate Floor and we will be returning to do the business of the Senate. Senator Demuzio.

SENATOR DEMUZIO:

Well, is it true we're going to be taking up the gaming bill tonight?

PRESIDING OFFICER: (SENATOR DUDYCZ)

That's a possibility, Senator Demuzio. We're -- the Senate President is conferring currently with the Speaker of the House to see where they're at on that issue. On the bottom of page 2 of --

on the bottom of page 2 of Supplemental Calendar No. 1 is the Order of Secretary's Desk, Resolutions. Senator Cronin, do you wish House Joint Resolution 26 to be read? Mr. Secretary, read the resolution.

SECRETARY HARRY:

House Joint Resolution 26, offered by Senator Cronin.

There are no amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Joint Resolution 26 is exactly the same as a Senate joint resolution that we passed out here earlier regarding the issue of school mandate waivers. The House wanted us to adopt their version of the exact same version we sent out. So it simply denies one appeal from Elk Grove Township regarding a request for relief under the State Board for withholding funds regarding its

37

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

status as a charter school. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Sullivan?

SENATOR SULLIVAN:

Thank you, Mr. President. Similar to the Senate resolution, this is a district in mine and Senator Wendell Jones' districts, and we respectfully request a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

The original Rockford disallowance is not in here, am I correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

You are correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Welch.

SENATOR WELCH:

I've got a question of Senator Cronin.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

I'm not sure I understand. The school itself is in Senator Jones' and Senator Sullivan's district and they want a No vote, but you want a Yes vote? What is -- what is your argument between the two of you? I -- I didn't understand what the difference in

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

opinion is.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Generally speaking, our policy has been we defer to the Senator in whose district one of these issues may arise; however, in this case, we are addressing this issue of funding of charter schools in a separate piece of legislation, and if we were to completely waive the State law that applies to funding of charter schools and would do as the school district here suggests, it would take us in a dramatically different and perhaps irresponsible path. And I don't think we're prepared to fully fund charter schools as a separate entity. We have a program, a proposal, that provides transitional funding. It's got the supporter of all the education groups, and it's currently sponsored by Senator O'Malley, and it seems to be moving along quite well. I think Senator Viverito is an enthusiastic supporter of it. And so, for those reasons, we thought it was wiser to...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, Senator Cronin moves

the adoption of House Joint Resolution 26. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 17 Nays, 1 voting Present. And the resolution is adopted. House Joint Resolution No. 27. Mr. Secretary, read the resolution.

SECRETARY HARRY:

House Joint Resolution 27, offered by Senators Maitland, Obama, Dudycz and Berman.

There are no committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

39

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

SENATOR MAITLAND:

Thank you very much. Mr. President and Members of the Committee {sic}, House Joint Resolution 27 is identical to Senate Joint Resolution 44 that passed out of this Chamber in March of 1968 {sic} (1998). This simply recreates the Host Committee for NCSL 2000. Senator Berman, Senator Obama, Senator Dudycz and I serve on the executive committee. I know of no opposition. This is going to be a great event in the year 2000 and just would like

to ask all of you now to begin to put that on you radar screen because we're going to make Illinois and Chicago proud. Appreciate your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Maitland moves the adoption of House Joint Resolution No. 27. And all those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the resolution is adopted. Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

Purposes of re-announcing 'cause I'm not sure everybody heard during the boos, but if -- if the Members of the Appropriation Committee will go immediately to 212. I don't think this will take very long. We can recommend the conference committee report to the Floor. I've been -- so as soon as we recess, I would appreciate it if people would go directly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro, what purpose do you rise?

SENATOR MOLARO:

Question of the Chair.

PRESIDING OFFICER: (SENATOR DUDYCZ)

State your question.

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

SENATOR MOLARO:

My question is that for those of us who may have checked out, as per the instructions of the President at that time, and have trouble finding our rooms back later, can we count on you to make phone calls or the President to make phone calls to get us back into the hotel?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Thank you, Senator Molaro. Any further -- Senator Hawkinson, what purpose do you rise?

SENATOR HAWKINSON:

For purposes of requesting a Republican Caucus, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator, do you wish the Republican Caucus after the Appropriations Committee or before?

SENATOR HAWKINSON:

Now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 43, with House Amendment 2.

We have a like Message on Senate Bill 890, with House Amendment 1.

Both passed the House, as amended, May 21st, 1999.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Appropriation Committee is meeting currently in Room 212. Appropriation Committee will be going immediately to Room 212. Senate will be standing at ease until the call of the Chair.

41

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

For the information of the Republican Members of the Senate, at 7:25 there will be a very brief caucus in the Senate President's -- in the Senate President's Office. Senator Karpiel, what purpose do you rise? Senator Karpiel.

SENATOR KARPIEL:

Just...

PRESIDING OFFICER: (SENATOR DUDYCZ)

There will be a Republican Caucus immediately in Senate President's Office. Immediately, Republican Caucus.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

There will be a Rules Committee immediately in the President's Anteroom. Rules Committee.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WATSON)

The Senate will reconvene in five minutes. Would ask all Members to return to the Floor. Once again, I would like to ask all Members to return to the Floor. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislature Measure Be Approved for Consideration: the

42

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

Conference Committee Report No. 1 to House Bill 52.

PRESIDING OFFICER: (SENATOR WATSON)

Messages from the House, Mr. Secretary.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment of a bill of the following title, to wit:

House Bill 733, with Senate Amendment No. 1.

We have like Messages on House Bill 2518, with Senate Amendment 1, and House Bill 2793, with Senate Amendment 1.

All nonconcurrent in by the House, May 21st, 1999.

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to wit:

Senate Bill 171.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference.

We have like Messages on Senate Bills 242, 338, 652, 656, 834, 965, 1088 and 1158.

PRESIDING OFFICER: (SENATOR WATSON)

Without objection, the Senate accedes to the request of the House for conference committees on those bills just read by the Secretary. Leave is granted. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any of the

resolutions on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

43

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Demuzio? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Sorry about that. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. President. For the edification of our Members, you might -- can you tell us what we're going to be doing now?

PRESIDING OFFICER: (SENATOR WATSON)

We are now to proceed to Supplemental Calendar No. 2. And on the -- that order -- or, that Calendar should have been distributed. We have House Bill 52. Senator Demuzio.

SENATOR DEMUZIO:

Is that the last order of business this evening?

PRESIDING OFFICER: (SENATOR WATSON)

The Chair assumes so. Mr. Secretary, do you have a file on a

conference committee report on House Bill 52?

SECRETARY HARRY:

Yes, Mr. President. The First Conference Committee Report on House Bill 52.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm very excited to have my first conference committee of this General Assembly. This conference committee contains the budgets of the Southwestern Illinois Development Authority, the Illinois Planning Council on Developmental Disabilities, Department of Military Affairs, Illinois Farm Development Authority, Department of Nuclear Safety, Environmental Protection Trust Fund Commission, the East St. Louis Financial Advisory Authority, the Illinois

44

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

50th Legislative Day

May 21, 1999

Racing Board, the Department of Lottery, the Department of Employment Security, the Pollution Control Board, the Property Tax Appeal Board, the Department of Insurance, the Illinois Arts Council and the Medical Center District. All are at the Governor's introduced level, with the exception of the Department

of Nuclear Safety, which is up thirty thousand dollars in non-GRF funds, and the Illinois Arts Council, which has been increased by two hundred and fifty thousand dollars to expand the funding of the Council of the Humanities. I'd be happy to read the GRF levels or other funds levels or answer any questions that Members of the Body would -- would have.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 52. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, 1 voting Present. The Senate does adopt the Conference Committee Report on House Bill 52, and the bill, having received the required constitutional majority, is declared passed. Is there any further business to come before the Senate? If not, Senator Hawkinson moves that the Senate stand adjourned until the hour of 3 p.m., Monday, May 24th. 3 o'clock, Monday. 3 p.m.

